

AMENDMENTS TO THE DRAWINGS

Applicants submit herewith replacement drawings for the present application.

Attachments: Replacement Sheets

REMARKS/ARGUMENTS

Initially, Applicants submit herewith new drawings for this case. In view of these new drawings, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings in the Office Action.

Also, the specification has been amended such that the paragraph beginning at page 36, line 12, includes information found in original claim 5 regarding peak heights.

Claim 1 has been amended by incorporating the subject matter of claims 12 and 13 into it.

Claim 2 has been amended such that  $1.8 \leq (a_0 + b_0 + c_0 + d_0) \leq 2.2$ , and  $3.6 \leq (e_0 + f_0) \leq 4.4$ . Support for these amendments exists at page 5, lines 12-13 of the present application.

Claim 4 has been amended such that  $3.6 \leq (e_2 + f_2) \leq 4.4$ . Support for this amendment exists at page 6, last line of the present application.

Claims 5-7 have been amended to place them in better condition for U.S. practice.

Claim 3 has been canceled.

New dependent claims 19-27 have been added directed to specific phosphors.

Claims 1, 2 and 4-27 are pending in this case.

The Office Action objected to the pending claims and/or rejected the claims under 35 U.S.C. § 112, second paragraph, for various reasons. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these objections/rejections.

The range for “b” in formula (1) in claims 1 and 2 ( $0 < b \leq 0.7$ ) can be found at page 5, line 10 of the present specification. Thus, the specification supports this claim language.

Claim 2 states that  $M^{10}$  is a divalent element containing 85 mol% or more of at least one element selected from the group consisting of Ba, Ca and Sr. Support for this mol% can be found at page 4, last line of the present specification.

Claim 3 has been canceled.

The above amendments to claims 2 and 4 have conformed the pending claims to the specification for the values of  $(a_0+b_0+c_0+d_0)$ ,  $(e_0+f_0)$  and  $(e_2+f_2)$ .

In view of the above, Applicants respectfully request reconsideration and withdrawal of the objections to the claims and rejections under 35 U.S.C. § 112, second paragraph.

The Office Action also rejected claims 1, 2, 5-11, 14, 15 and 17 under 35 U.S.C. § 103 as obvious over U.S. patent 6,982,045, and claim 16 as obvious over the '045 patent in view of several other references. However, the Office Action indicated that claims 12 and 13 would be allowable if rewritten in independent form. In accordance with this indication of allowable subject matter, claim 1 has been amended by incorporating the subject matter of claims 12 and 13 into claim 1 to require the phosphor to emit red or white light. Applicants respectfully submit that claim 1 as amended is free of the applied art.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

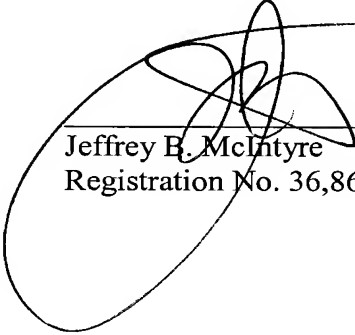
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)



Jeffrey B. McIntyre  
Registration No. 36,867